

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG 11 AM 10:24
08 MJ 2475

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gustavo Antonio NAVARRO-Cardenas,

Defendant

) Magistrate Docket No. _____


) COMPLAINT FOR VIOLATION OF: DEPUTY

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about **August 9, 2008** within the Southern District of California, defendant, **Gustavo Antonio NAVARRO-Cardenas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF AUGUST 2008.



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

8/9/08

CONTINUATION OF COMPLAINT:
Gustavo Antonio NAVARRO-Cardenas

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:


On August 9, 2008, Border Patrol Agent S. Pair was performing his assigned duties near an area known as "Lane 24." This area is located approximately 50 yards north of the San Ysidro, California Port of entry on Interstate 5. At approximately 4:30 a.m., Agent Pair responded to another agent's call for assistance.

Upon arriving in the area, Agent Pair observed an individual running east into the brush off the northbound lanes of Interstate 5. As Agent Pair approached the individual in his marked service vehicle, the individual began running west in an attempt to cross onto the south bound lanes. Agent Pair got out of his service vehicle and ran after the individual until he caught up with him just as he was attempting to climb the fence separating the north and south lanes of Interstate 5. Agent Pair approached the individual, later identified as the defendant, **Gustavo Antonio NAVARRO-Cardenas**, and identified himself as a Border Patrol Agent and questioned him regarding his citizenship, nationality and immigration documentation. **NAVARRO** admitted to having entered the United States without inspection, and that he was a citizen and national of Mexico. **NAVARRO** also stated that he was not in possession of immigration documents that would allow him to enter or remain in the United States legally. At approximately 4:55 a.m., Agent Pair arrested **NAVARRO** and he was transported to the Imperial Beach Border Patrol Station for processing.

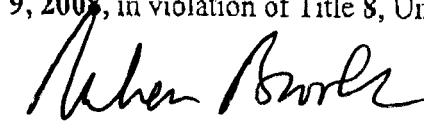
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on June 20, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.

Executed on August 10, 2008 at 10:00 am.


Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **August 9, 2008**, in violation of Title 8, United States Code, Section 1326.



Ruben B. Brooks
United States Magistrate Judge

8/10/2008 at 10:30 a.m.
Date/Time